

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GARY L SARGENT, DANNY ATTERBURY )

Plaintiff(s),  
(Petitioner)

V. )

PAUL SIMONETA )

Defendant(s),  
(Respondent)

Case No. CV 10-01264 SI

ORDER RE APPLICATION  
TO PROCEED  
IN FORMA PAUPERIS

**FILED**  
APR 15 2010

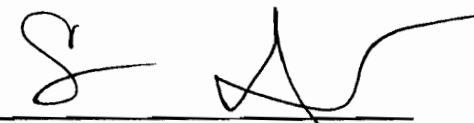
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

~~( )~~ IT IS ORDERED that the application to proceed in forma pauperis is GRANTED and that the Clerk issue summons.  
IT IS FURTHER ORDERED that the U.S. Marshal for the Northern District of California serve, without prepayment of fees, a copy of the complaint, any amendments, scheduling orders, attachments, plaintiff's affidavit and this order upon the defendant.

( ) IT IS ORDERED that the application to proceed in forma pauperis is DENIED, and that the filing fee of \$350.00 be paid no later than . Failure to pay the filing fee by that date will result in dismissal of the above-entitled action without prejudice. The plaintiff is hereby apprised of his/her responsibility to serve the complaint and any amendments, scheduling orders, attachments, pursuant to Rule 4, Federal Rules of Civil Procedure. Plaintiff has a continuing obligation to keep the Court informed of his or her current address. Failure to do so may result in dismissal of this action.

( ) IT IS ORDERED that the application to proceed in forma pauperis is DENIED and that plaintiff is further ordered to make partial payment of the filing fee in the amount of \$ by . Failure to pay this amount will result in dismissal of the above-entitled action without prejudice. The plaintiff is hereby apprised of his/her responsibility to serve the complaint and any amendments, scheduling orders, attachments, pursuant to Rule 4, Federal Rules of Civil Procedure. Plaintiff has a continuing obligation to keep the Court informed of his or her current address. Failure to do so may result in dismissal of this action.

Dated: 4/14/10

  
UNITED STATES DISTRICT JUDGE

(Not to be used in HABEAS CORPUS cases)

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

GARY L SARGENT et al,  
Plaintiff,

Case Number: CV10-01264 SI

**CERTIFICATE OF SERVICE**

v.

PAUL SIMONETA et al,  
Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 15, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Danny F. Atterbury  
and  
Gary L. Sargent  
210A Newell Street  
Vallejo, CA 94589

Dated: April 15, 2010

Richard W. Wieking, Clerk  
By: Tracy Forakis, Deputy Clerk

